

United States District Court

NOV 18 2018

SOUTHERN

DISTRICT OF

TEXAS

MCALLEN DIVISION

David J. Bradley, Clerk

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Guillermo Reyna-Diaz

PRINCIPAL

Case Number:

YOB:

1998

M-18-2376-M

Mexico

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about November 16, 2018 in Hidalgo County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Marco Tulio Pineda-Pineda, a citizen and national of Honduras, and Luis Rene Mendez-Hernandez, a citizen and national of El Salvador, along with four (4) other undocumented aliens, for a total of six (6), who had entered the United States in violation of law, did knowingly transport, or move or attempt to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near Mission, Texas to the point of arrest near Mission, Texas,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONY
I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On November 16, 2018, agents conducting line watch operations near the Rio Grande River heard splashing in the river, indicating that a raft may be in the river. This area is near a landing that is notorious for alien smuggling. Shortly thereafter, an agent observed a raft make landfall on the United States River bank. When the agent arrived to the river bank, he identified himself as a Federal Agent Agent. The agent observed two (2) subjects on the river bank and four (4) subjects in a raft; all six (6) subjects were fully clothed. The agent also observed a male subject, later identified as Guillermo Reyna-Diaz, a citizen and national of Mexico, standing in the water wearing only a pair of grey undergarments. This is a known tactic used by smugglers bringing rafts across the river in order to have dry clothes upon their return to Mexico. This led the agent to believe that Reyna was smuggling the subjects into the United States.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Submitted by reliable electronic means, sworn to and attested
to telephonically per Fed. R. Cr. P. 4.1, and probable cause
found on:

/s/ Jon M. Chan

Signature of Complainant

Sworn to before me

Jon M. Chan

Senior Patrol Agent

Printed Name of Complainant

November 18, 2018

3:19 p.m.

at McAllen, Texas

Date

City and State

Peter E. Ormsby

U. S. Magistrate Judge

Name and Title of Judicial Officer

Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-18-2376-M

RE: Guillermo Reyna-Diaz

CONTINUATION:

Reyna abandoned the raft, with the subjects in it, and attempted to swim back to Mexico. As Reyna attempted to swim back to Mexico, he began to struggle. Agents then instructed Reyna to swim back towards them. One of the agents entered the water to assist Reyna, safely retrieving and securing him on the United States River Bank.

Agents conducted an immigration inspection on the seven (7) subjects and determined them all to be illegally present in the United States. All the subjects were transported to the McAllen, Texas Border Patrol Station for processing.

Principal Statement:

Guillermo Reyna-Diaz, a citizen of Mexico, was advised of his Miranda Rights, stated he understood his Rights, and agreed to provide a sworn statement.

Reyna claimed he was hired to smuggle people into the United States and was to be paid 50 Mexican Pesos per person. Reyna stated he took off his clothes, except for his undergarment, at the river. Reyna instructed the group to board the raft and not to move. Reyna further instructed the group to disembark the raft, once they arrived to the United States river bank, because he did not want to get caught by Immigration. Reyna indicated that he moved the raft across the river by paddling with his hand. Reyna knew that some of the people on the raft were juveniles. Reyna claimed that once Immigration arrived, he attempted to swim back to Mexico and began to drown. Reyna stated that he does not know how to swim and Immigration rescued him. Reyna indicated that he has a tattoo on his right arm.

Material Witnesses Statements:

Marco Tulio Pineda-Pineda, a citizen of Honduras, and Luis Rene Mendez-Hernandez, a citizen of El Salvador, were advised of their Miranda Rights. Both subjects understood their Rights and agreed to provide a sworn statement.

Pineda claimed he made the arrangements for himself and his son, and was charged 5,800 USD. Once Pineda arrived to the riverbank in Mexico, a raft was already inflated. Pineda stated that a male subject informed them that he was going to cross them and drop them off fast because he did not want to get arrested. Pineda indicated that the subject removed his clothing and remained in a pair of grey undergarments. Pineda was crossed into the United States on a raft with six (6) other people, including his son and the male subject. Pineda indicated that the male subject had a tattoo either on the right side of his neck or on his right arm.

Pineda was shown a photo lineup and indicated that the photo of Guillermo Reyna-Diaz, looked very similar to the male subject who crossed them on a raft.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
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CONTINUATION:

During processing, Mendez claimed he made his smuggling arrangements and paid 5,500 USD to be smuggled into the United States.

Mendez traveled from El Salvador with his daughter. Once Mendez arrived to the riverbank in Mexico, a male subject arrived with a raft and carried the raft to the water. Mendez claimed the male subject instructed them to board the raft and not to move. Mendez indicated that the male subject removed his clothing prior to crossing the raft. Mendez and his daughter were crossed into the United States on the raft with four (4) other people and the male subject. Once near the United States riverbank, Mendez stated the male subject got off the raft and pulled it closer to the riverbank, then two (2) subjects exited the raft. Mendez indicated that Border Patrol Agents arrived with their flash lights and the male subject left the raft, and tried to swim back. Mendez stated the male subject started drowning and an agent entered the water and helped the male subject.

Mendez identified Guillermo Reyna-Diaz, through a photo lineup, as the rafter.